



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1994

Honorable Val Clark Beard
Brewster County Judge
P.O. Drawer 1630
Alpine, Texas 79831

OR94-694

Dear Judge Beard:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 29248.

Brewster County (the "county") has received a request for information relating to a certain message conveyed by facsimile. Specifically, the requestor seeks the following information:

1. The original or retained copies of public records which relate to a "memorandum" allegedly written by Yolanda Ramirez Moore in relation to an alleged FAX message received May 7, 1993 in a county department over one of the Brewster County FAX lines.
2. Records of the FAX log for the County Attorney FAX line, or any other FAX lines that could have received messages which may have come to the attention of the person allegedly representing to be Yolanda Ramirez Moore for the dates one week proceeding May 7, 1993, through May 7, 1993.
3. Original copy of the "message[" which is referred to by the person alledging [*sic*] to be Yolanda Ramirez Moore, and which alledgedly [*sic*] she was made aware of on May 7, 1994.
- [4.] The original copy of the FAX "message" that is alleged to have been received.

We understand that the county has made the requested information available to the requestor in its entirety. You advise us, however, that the requestor now seeks to access some of the requested information, namely, the memorandum requested in item 1 above, by viewing it on the computer on which it is electronically stored. You ask whether the Open Records Act requires the county to make the memorandum available to the requestor in such manner.

We conclude that it does not. In Attorney General Opinion DM-30 (1991), this office concluded that the Open Records Act did not require a county clerk to provide duplicate microfilm of county real estate and deed records where such records were available in paper copy. In so holding, this office construed section 552.228 (formerly section 9(c), V.T.C.S. article 6252-17a), which provides:

It shall be a policy of a governmental body to provide a suitable copy of a public record within a reasonable time after the date on which the copy is requested.

This office wrote:

What form of copies may be "suitable" could vary depending upon the nature of the requested information. While it is not possible or necessary here to speculate upon every circumstance in which a suitable copy might consist of some form other than an ordinary paper reproduction, we can point, for example, to records on videotape or audiotape where a paper transcription would be an inadequate substitute for the medium in which the information was originally recorded. With respect to deed records, however, it seems an ordinary paper copy would, in every case, be suitable to convey the information contained in the record to any member of the public.

Attorney General Opinion DM-30 at 3. In Open Records Decision No. 571 (1990), this office considered a similar question. Specifically, that decision addressed whether the Open Records Act requires a governmental body to provide a requestor access to its computer so that he may perform his own computer search for the records he wishes to inspect. This office concluded that the Open Records Act encompasses no such requirement where the governmental body makes the requested information available to the requestor in paper form.

In this instance, we conclude that the county fulfilled its obligations under the Open Records Act by releasing the requested memorandum in paper form. Accordingly, the county need not provide the requestor access to its computer so that he may view the memorandum.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Loretta DeHay". The signature is fluid and cursive, with the first name "Loretta" written in a larger, more prominent script than the last name "DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 29248

cc: Mr. Fred B. Vogt, M.D.
601 John W. Road
Alpine, Texas 79830
(w/o enclosures)